



Agenda Item Number: 2005-5-6B

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: May 24, 2005

Department: Zoning, Building, Planning & **Staff Contact:** Sanford Fish, Director
Environmental Health Julie Baca, Deputy County Manager for
Community Services

TITLE: Text Amendments to the Bernalillo County Code, Chapter 74, Subdivisions

ACTION: Introduction and motion to approve publication of amendments to County Code, Chapter 74, Subdivision.

SUMMARY:

The current subdivision ordinance was adopted in 1996 and has not had a comprehensive update since that time. The proposed amendments incorporate new language based on recent amendments to the state statute governing county subdivisions (streamlining the approval process), as well as a number of updates and clarifications that were part of the 1998 Extraterritorial Subdivision Ordinance. The items from the Extraterritorial ordinance were no longer in effect since the Extraterritorial jurisdiction was repealed in 2003.

Amendments to the state statute take effect on June 17, 2005. They permit Bernalillo County to set up procedures for delegating review authority of subdivisions to the County Planning Commission (CPC) or County Development Review Authority (CDRA). The current process calls for both preliminary and final plats to be approved by the Board of Commissioners, following review and recommendation from the CDRA and CPC. With the proposed changes preliminary plats would be reviewed by the CDRA, and then sent to the CPC for a public hearing and final approval. Final plats would then come back to the CDRA for their review and approval. Any decision of the CDRA could be appealed to the CPC and any decision of the CPC could be appealed to the Board of Commissioners. This will shorten the time needed to gain approval of major subdivisions by several months.

The proposed amendments to the Subdivision Ordinance address three main areas:

- Establishes a process for expediting subdivision review through delegation of preliminary plat approval to the County Planning Commission and final plat approval to the County Development Review Authority. Any determination by these bodies would be subject to appeal.
- Incorporates new language for consistency with the county's requirements for wastewater systems (Bernalillo County Code Chapter 42, Division 10).
- Updates the ordinance with provisions that were incorporated into the Extraterritorial Subdivision Ordinance, which was in effect from May 2001 through June 2003. This ordinance established a number of procedures that improved the subdivision review process and would be beneficial in the current county code.

ATTACHMENT:

1. Proposed Text Amendments to the Bernalillo County Code, Chapter 74, Subdivisions

FISCAL IMPACT

None

STAFF ANALYSIS SUMMARY**COUNTY MANAGER**

The proposed amendments to the Subdivision Ordinance will not only comply with the new state law but also clean up areas of the ordinance as recommended by staff. I recommend Board approval. 05/19/2005

DEPUTY COUNTY MANAGER FOR COMMUNITY SERVICES

These amendments would allow the preliminary and final plat approval process to be expedited quickly and efficiently. It would also mirror the City's process, which would provide consistency; any appeals would go before the BCC. Recommend Board approval. Julie Baca 5/18/05

DEPUTY COUNTY MANAGER FOR PUBLIC WORKS

The procedural changes for both major and minor subdivisions that accommodate the forthcoming State statute revisions will allow for a much smoother and quicker processing of subdivisions in the unincorporated portion of Bernalillo County. The specific changes that affect Public Works actions will be handled through our development review staff. Minor comments on this draft will be forwarded directly to the Zoning, Planning, Building, and Environmental Health Department. TW 05/13/05

LEGAL

These amendments were made necessary by the passage of certain amendments to the New Mexico Subdivision Act and work to facilitate the comprehensive, orderly review of subdivision applications. PFT 5/13/05

ELECTED OFFICIAL/OTHERS**Fire Marshall**

The Fire Marshal is a representative on the County Development Review Authority (CDRA). All Fire Code and Life Safety Requirements such as water systems for fire protection, access and egress and addressing will be reviewed and recommended during the pre-application process. Nothing in the proposed changes prohibits the Fire Marshal's authority to ensure the subdivisions meet fire codes. The changes will encourage a more timely and consistent review process. EJC 5/17/05